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Dept. Food and Drug
Dockets Management Branch
5630 Fishers Lane, Room #1061
Rockville MD 20852

Subject: proposed Bioterrorism as stated in Federal Register dated Feb.3, 2003

Gentlemen,

I am writing this in response to the above referenced federal register posting.

I am a Customs Broker and Freight Forwarder in Los Angeles, over 70% of our work depends on Fresh Fish arriving at Los Angeles International Airport. Based on the requirements of this proposal it makes it impossible to submit this five-page "prior notice submission" form prior to the arrival of fresh fish shipments, due to the nature of the way the Airlines work and faster movement of cargo.

As an example some of the airlines do not have a computer system to track the fresh fish shipments to make sure that the proper carton counts are on board. There has been many times on fresh fish or produce shipments that one lot of 100 cartons would be split into lots and arrive on two different flights. We cannot verify this ahead of time, because of the airlines poor tracking system. Sometimes a whole shipment cannot be loaded on one plane because of load control.

The form "prior notice submission" has over 90% data elements we are already submitting to U.S. Customs via their ACS system that has been proven to work for over TEN YEARS now. This system has been used in the trade for customs and been proven to work very well. To go to a totally new system using the Internet would be cost prohibitive at this point. In addition, using the Internet instead of Customs system have not been proven to prevent problems and the freshness of these airfreight shipments depends on the system working without any problems.

U.S. Customs will be under the Dept. of Homeland Security in a month, since this proposal for Homeland Security (hence Bioterrorism) the Dept. Food and Drug should share this data with U.S. Customs. Under this proposal we have to submit data two different ways using two different systems with the same data. FDA is for Homeland Security and so is Customs, therefore there must be a better way to share this data without requiring the new procedure or at least exempt the fresh shipments.

Very Truly Yours,


William A Flegenhimer

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